

**DEPARTMENT NINE – JUDGE RAMONA GARRETT
TENTATIVE RULINGS SCHEDULED FOR
TUESDAY, MAY 25, 2010**

**IN RE THE PETITION OF MXANTIGUA A. JAYME
CASE NO. FCS029386**

Notice of Motion to Correct Erroneous Vital Record

TENTATIVE RULING

The Motion to Correct Erroneous Vital Record is denied.

The law permits amendments to correct errors on an original birth, marriage, or death certificate. Health & Safety Code §103225. Errors can include misspelled names or inaccurate birth dates that were inaccurate at the time the certificate was originally issued. However, amendments do not alter the original certificate. Health & Safety Code §102140. Instead, the amendments become additional pages to the original certificate, and a notation is placed on the original certificate to indicate that an amendment exists. Health & Safety Code section 103255.

The present motion asks the court to order that the amendments be revised to delete the reference to Mr. McGuinness' prior name and list only his current name, and to order the deletion of the additional page to the petitioner's son's birth certificate and the second page to the petitioner's marriage certificate. However, it appears that the AKAs listed on the amendments were in fact required by the California Department of Public Health. Mr. McGuinness has not provided the court with any authority that allows the court to override the process followed or required by the Department of Public Health in amending certificates. Furthermore, it appears that Mr. McGuinness is asking the court to order something it cannot, namely to order the amendment of a birth certificate and a marriage certificate when the "error" is solely the result of a name change nearly 30 years after the certificates were issued.